

**CB FORM 22 (7/00)**  
**REQUEST FROM THE SUBSTITUTE PROSECUTOR**  
**TO THE COMMONWEALTH'S ATTORNEY FOR**  
**APPROVAL OF FEES AND TRAVEL EXPENSES**

**SECTION I - CASE AND APPOINTMENT**

*Commonwealth v.* \_\_\_\_\_

*Attach a copy of the Court Order of Appointment*

**SECTION II - SUBSTITUTE PROSECUTOR INFORMATION**

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

SS#: \_\_\_\_\_

**SECTION III – EXPENSES**

FROM \_\_\_\_\_ TO \_\_\_\_\_  
(DATE) (DATE)

- A. Personal Vehicle Mileage : \_\_\_\_ miles @ 32.5¢ per mile = \$ \_\_\_\_\_
- B. \_\_\_\_ Meals @ Total Cost = \$ \_\_\_\_\_
- C. \_\_\_\_ Nights Lodging, @ \$ \_\_\_\_\_ per night = \$ \_\_\_\_\_
- D. Tolls and Parking = \$ \_\_\_\_\_
- E. \_\_\_\_ Hours @ \$50 per hour = \$ \_\_\_\_\_  
(Attach itemized list of hours worked)
- TOTAL REQUEST: \$ \_\_\_\_\_

#### **SECTION IV - CERTIFICATION**

Reimbursement is requested for necessary and direct travel, meals and lodging expenses incurred while serving as a Substitute Prosecutor in \_\_\_\_\_ County/City. I certify that I am a Commonwealth's \_\_\_\_\_ (locality) Attorney or Assistant Commonwealth's Attorney allowed to engage in the private practice of law, and that this request is in accordance with the Compensation Board's travel policy. I further certify that I have not requested any other reimbursement for these expenses, and will not submit any request for duplicate reimbursement for these expenses, that I incurred and paid these expenses as a part of my official duties, and that my billed time spent on this case is reasonable and proper.

\_\_\_\_\_ This is a final billing for this case, \_\_\_\_\_ This is a partial billing for this case.  
concluded on \_\_\_\_\_.

\_\_\_\_\_  
*Signature of Substitute Prosecutor*

\_\_\_\_\_  
*Date*

#### **SECTION V - APPROVALS**

I certify that the above individual was appointed and served as a Substitute Prosecutor, and that the request submitted is reasonable and proper in the context of this case, to the best of my knowledge and belief.

Approval of reimbursement in the amount requested is recommended.

\_\_\_\_\_  
*Signature of Appointing Judge (if required)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Printed Name*

#### **SECTION VI - INSTRUCTIONS**

Do not submit this form to the Compensation Board. This form may be only used by Commonwealth's Attorneys and assistant Commonwealth's Attorneys who are allowed to engage in the private practice of law to request reimbursement for hourly fees and expenses incurred while serving as a Substitute Prosecutor. The Substitute Prosecutor must submit this form to the locality Commonwealth's Attorney in which the Substitute Prosecutor served. The Commonwealth's Attorney will enter the request into the Compensation Board's automated reimbursement system. The Commonwealth's Attorney should retain this form and the appointing court order for audit purposes.

## How to file for Substitute Prosecutor (SP) Reimbursements

### I. Full time Commonwealth's Attorneys and full time Assistant Commonwealth's Attorneys appointed as Substitute Prosecutors:

- Complete Form CB24. Mail the CB24, and a copy of the Court Order and lodging bill to the Fiscal Officer at the Compensation Board. A check will be sent directly to the SP, at the address listed on the CB24.
- Note: You may only claim mileage, meals, lodging, tolls and parking (*not hours*). You are required to file for reimbursement whenever the case either reaches \$300 in expenses or within 60 days after conclusion (**WHICHEVER COMES FIRST**). Meals and lodging amounts may not exceed the amounts shown in paragraph IV below.

### II. Part time Commonwealth's Attorneys appointed as Substitute Prosecutors:

- Both hourly rate and expenses are reimbursable items. The locality where the SP acted should pay the bills and the Commonwealth's Attorney (CA) for which he substituted should file for reimbursement.
- These cases should be loaded into SNIP *as soon as the SP is appointed* with an estimate of total expenses. Use the Main Menu under Substitute Prosecutors and mark the screen as a P (partial) not F (final) claim. Be sure to include the Book and Page where the Judge's appointment is recorded. The SP needs to complete the revised Form CB22 and submit it to the appointing jurisdiction's CA who will file for reimbursement.
- Once the case is approved, you may request reimbursement of the funds through your additional Allowances screen in SNIP (also in the Main Menu). Reimbursement will be included in the locality's monthly Compensation Board payment.
- The maximum hourly rate approved by the Compensation Board is \$50.00/hour. You are required to file for reimbursement whenever the case either reaches \$300 in expenses or within 60 days after conclusion (**WHICHEVER COMES FIRST**). Meals and lodging amounts may not exceed the amounts shown in paragraph IV below.

### III. Private Attorneys Appointed July 1, 1996 or thereafter:

- These cases are now reimbursed through the Supreme Court, *not* the Compensation Board. Should you need information please call (804) 786-6455.
- To claim reimbursement, complete a Form D.C. 50 (time sheet). The appointing court will file Forms D.C. 40,41, and 50 with the Supreme Court for payment.

#### IV. Meals and Lodging Reimbursement for Substitute Prosecutors:

- The Compensation Board has adopted the Commonwealth's Department of Accounts' meals and incidental expense (M&IE) per diem amounts and lodging rates for reimbursements paid to Commonwealth's Attorneys and Assistant Commonwealth's Attorneys appointed to serve as Substitute Prosecutors. The reimbursable amounts are as shown below. Please call Paige G. Curtis at (804) 786-0786 ext. 217 or Audrey R. Butler-Nelson at ext. 213 if you have any questions.
- The M&IE Rate Table below provides the allowable expense for individual meal amounts **when overnight lodging is required**. The M&IE per diem rate applied must correspond to the location specified for the overnight lodging.

TOTAL	\$30	\$34	\$38	\$42	\$46
Breakfast	\$6	\$7	\$8	\$9	\$9
Lunch	6	7	8	9	11
Dinner	16	18	20	22	24
Incidentals	2	2	2	2	2
75% Travel Days	\$22.50	\$25.50	\$28.50	\$31.50	\$34.50

- The following circumstances require prorating of per diem amounts. On a travel departure or return day, 75% of the per diem rate is allowable based upon the location of overnight lodging, as follows:

Departure Day: 75% of the per diem rate for the location of lodging that night.  
Return Day: 75% of the per diem rate for the location of lodging the night before returning to the home base.

The following table provides guidelines for Lodging, Meals, and Incidental Expenses that are allowable to the Substitute Prosecutor for reimbursement. If a location is not listed, the standard rate applies.

IN-STATE Location	Lodging Rate <u>Excludes</u> taxes and surcharges	Meals and Incidental Expense (M&IE) Rate <u>Includes</u> tips, taxes, personal telephone calls, laundry, and transportation to where meals are taken
<b>STANDARD→</b>	<b>\$50</b>	<b>\$30</b>
<b>EXCEPTIONS↓</b>		
Charlottesville	60	42
Lynchburg	64	38
Manassas (Prince William County)	84	34
Petersburg (1)	77	30
Richmond (2)	77	38
Roanoke	59	34
Tidewater (3) (4/1-10/31)	109	38

Tidewater (3) (11/1-3/31)	55	38
Wallops Island (Accomack County) (6/1-9/30)	89	34
Wallops Island (10/1-5/31)	69	34
Williamsburg (4) (4/1-10/31)	99	38
Williamsburg (4) (11/1-3/31)	59	38
Wintergreen	125	46
Woodbridge	84	34

- (1) Petersburg includes: Colonial Heights and Hopewell and Dinwiddie and Prince George Counties.
- (2) Richmond includes: City of Richmond and Chesterfield and Henrico Counties.
- (3) Tidewater Region includes: Norfolk, Chesapeake, Portsmouth and Virginia Beach.
- (4) Williamsburg includes: Gloucester, Hampton, Newport News, Yorktown and York County.